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EXAMINER	
WOO, RICHARD SUKYOON	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/475,961	SMITH ET AL.	
	Examiner	Art Unit	
	Richard Woo	3629	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1) Claims 1-60 are objected to because of the following informalities:

In Claim 1, line 5; Claim 15, line 5; Claim 26, line 8; Claim 40, line 5, respectively, "agents" should be changed to --agent's--.

In Claim 1, line 7; Claim 15, line 7; Claim 26, line 10;Claim 40, line 7, respectively, "arrive" should be changed to --arrival--.

Claims 41 and 51 include the identical informalities as cited above.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2) Claims 1-25 and 41-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts"

has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson,* 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

> The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the

> prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.,* the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele

test used in *Toma*. However, State Street never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In the present application, the method claims 1, 15 41 and 51 are not within the technological arts – i.e., no computer implementation or any other technology employed although the claim body merely cites "electronically communicating". The claimed method steps may be carried out by a simple human intervention.

Claim Rejections - 35 USC § 112

3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4) Claims 2-10, 13, 15-25, 27-35, 40, 42-50, and 52-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 2, line 2; Claim 16, line 2; Claim 27, line 1; Claim 42, lines 1-2; Claim 52, lines 1-2, respectively, the recitation of "the step of calculating" lacks antecedent basis.

In Claim 5, line 3; Claim 19, line 3; Claim 30, line 3; Claim 45, line 3; Claim 55, line 3, respectively, the recitation of "can" renders the claim indefinite because it is not clear whether the order is actually completely shipped or not.

In Claim 13, line 2; Claim 38, line 2, respectively, the recitation of "said delivery management system" lacks antecedent basis.

In Claim 15, line 8, the recitation of "can" renders the claim indefinite because it is not clear whether the respective delivery agent actually ships the goods or not.

In Claim 40, line 10; Claim 46, line 2; Claim 56, line 2, respectively, the recitation of "the electronic manifest" lacks antecedent basis.

Claim Rejections - 35 USC § 102

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6) Claims 1-60, as far as Claims 2-10, 13, 15-25, 27-35, 40, 42-50, and 52-60 are definite, are rejected under 35 U.S.C. 102(a) as being anticipated by Juedes et al. (WO 01/13261).

W.R.T. Claim 1:

Juedes et al. discloses a method for managing the delivery of an order from at least one supplier to a delivery agent, and from the agent to a buyer, comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

W.R.T. Claim 2: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 3: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 4: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 5: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 6: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 7: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 8: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see Id.);

W.R.T. Claim 9: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 10: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.);

W.R.T. Claim 11: Juedes et al. further discloses the method including the step of allowing order changes to be made based on the users security level clearance (see Id.);

W.R.T. Claim 12: Juedes et al. further discloses the method including the step of updating the electronic manifest with status information (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 13: Juedes et al. further discloses the method including the step of running the delivery management system when a reschedule has been requested (see Id.); and

W.R.T. Claim 14: Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).

W.R.T. Claim 15:

Juedes et al. discloses a method comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the order within a set of potential delivery sates based on the first potential arrival date request and the first date a delivery agent ships the good; and

selecting the actual delivery date from the set of potential delivery dates (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof).

W.R.T. Claim 16: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 17: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 18: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 19: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 20: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 21: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 22: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 23: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.);

W.R.T. Claim 24: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.); and

W.R.T. Claim 25: Juedes et al. further discloses the method, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).

W.R.T. Claim 26:

Juedes et al. discloses a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process, the computer process comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address;

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request; and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

W.R.T. Claim 27: Juedes et al. further discloses the process, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 28: Juedes et al. further discloses the process, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 29: Juedes et al. further discloses the process including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 30: Juedes et al. further discloses the process, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 31: Juedes et al. further discloses the process including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 32: Juedes et al. further discloses the process including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 33: Juedes et al. further discloses the process including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 34: Juedes et al. further discloses the process including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.);

W.R.T. Claim 35: Juedes et al. further discloses the process including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.);

W.R.T. Claim 36: Juedes et al. further discloses the process including the step of allowing order changes to be made based on the users security level clearance (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 37: Juedes et al. further discloses the process including the step of updating the electronic manifest with status information (see Id.);

W.R.T. Claim 38: Juedes et al. further discloses the process including the step of running the delivery management system when a reschedule has been requested (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof); and

W.R.T. Claim 39: Juedes et al. further discloses the process, wherein the order information includes data selected from the group having: the order date, the model number, the quantity of items, the brand of the item, ... (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof).

W.R.T. Claim 40:

Juedes et al. discloses an apparatus comprising (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.);

means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof); and

means for updating an electronic manifest indicating the order ship date and the additional capacity utilized (see Id.).

W.R.T. Claim 41:

Juedes et al. discloses comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see, for example, Figs. 2, 6-7, 10-18 and the descriptions thereof);

determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based on the first potential arrival date request; and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address.

W.R.T. Claim 42: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 43: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 44: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 45: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 46: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 47: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 48: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 49: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.); and

W.R.T. Claim 50: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

W.R.T. Claim 51:

Juedes et al. discloses a method comprising the steps of (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof):

determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address (see Supra Claims);

determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request (see Id.); and

determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address (see Id.).

W.R.T. Claim 52: Juedes et al. further discloses the method, wherein the step of determining the first potential arrival date includes the step of selecting the first potential arrival date from a supplier ship schedule based on the day the order is placed plus a fixed delay (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 53: Juedes et al. further discloses the method, wherein the step of determining the ability includes the step of calculating the number of slots to be shipped from a work unit matrix (see Id.);

W.R.T. Claim 54: Juedes et al. further discloses the method including the step of multiplying each item in the order by a work unit selected from a work unit matrix to determine the number of slots for each order (see Id.);

W.R.T. Claim 55: Juedes et al. further discloses the method, wherein the step of determining the delivery date includes the step of determining the first available date that the order is completely shipped to the buyer based on a capacity matrix and based on the number of available delivery slots (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 56: Juedes et al. further discloses the method including the step of updating the electronic manifest indicating the order ship date and the additional capacity utilized (see Id.);

W.R.T. Claim 57: Juedes et al. further discloses the method including the step of getting the zip code to which the order is to be delivered and the brand of the respective good in the order (see Id.);

W.R.T. Claim 58: Juedes et al. further discloses the method including the step of getting a respective supplier ship schedule based on the zip code and brand of good ordered (see pages 4-6; Tables 1-14; Figs. 1-18 and the descriptions thereof);

W.R.T. Claim 59: Juedes et al. further discloses the method including the step of selecting a delivery agent and a respective a capacity matrix based on the zip code of the order (see Id.); and

W.R.T. Claim 60: Juedes et al. further discloses the method including the step of determining the first potential ship date to the buyer's address based on the capacity of the delivery agent and the delivery schedule of the delivery agent (see Id.).

Conclusion

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 2001-297270 is cited to show a delivery schedule generating method to make the smooth delivery of article that the buyer bought by on-line shopping.

US 6,081,789 is cited to show a method for exchanging information between providers and users of products and services in which an information management system is established that is computer based and has information processing and storage capabilities.

"WISs at Federal Express" is cited to show a FedEx's "virtual order" that is a combined service that includes customer catalog display on the Internet, order acceptance and fulfillment, and shipment, all managed by FedEx).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-

7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Richard Woo
Patent Examiner
GAU 3629
March 18, 2004

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600